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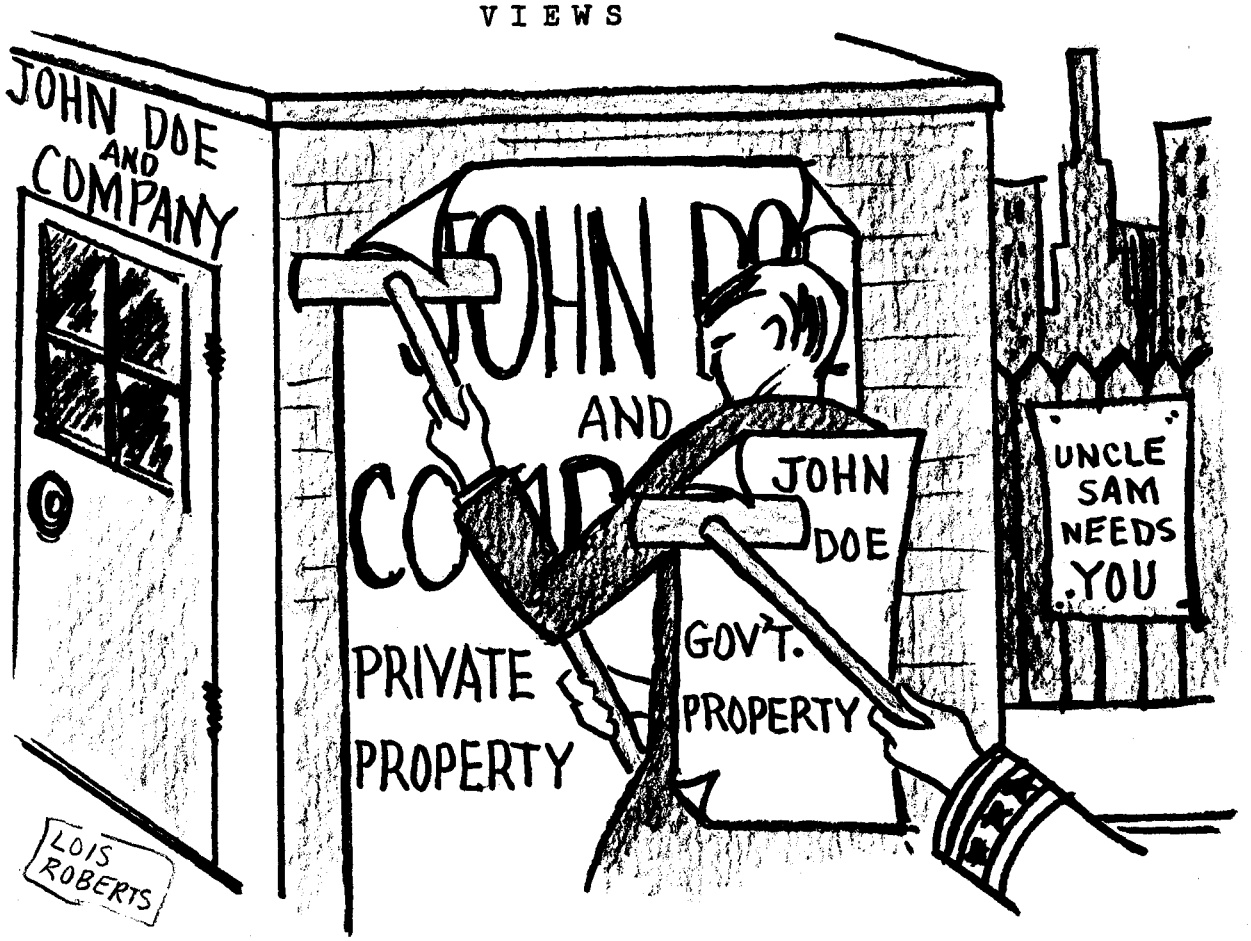
VIEWS



THE DRAFT

PART III -- LABOR AS PROPERTY VS LABOR AS NATURAL RESOURCE

Forced conscription involves a moral contradiction. It violates the rights of men while purporting to provide the means of protecting them. As I pointed out in Part I of these articles, the principle behind the American draft laws is "To be permanently free, we must temporarily enslave."

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Forced conscription in large measure has shaped and is now shaping our political institutions and our foreign policy. It allows the President to go outside the elective, representative, Constitutional processes and commit the armed forces to acts of belligerency, knowing that if things get out of hand he has the power of the draft to provide him with whatever manpower he may need.

Even today, we are not yet officially at war in Vietnam. With a succession of "wars," the draft becomes self-perpetuating. The conditions of continuous emergency lead to further and further increase in the unilateral, unlimited war powers of the presidency. Inevitably this must pose a lethal threat to the entire American system, of a free government based on rights whose powers are limited by a system of checks and balances and a written Constitution.[2]

Thus we have both a philosophical and an historical-political refutation of the idea of conscription. Logically, this is enough to show that rationality requires the end of this infamous institution.

But an argument in principle is not enough when the conviction persists that the draft is a "necessary evil." This institution has its roots in the prehistoric tradition of the European tribes. Worse, it has precedent in the foundations of our own nation. The British Colonies drafted. George Washington himself called upon the states to draft troops in the Revolutionary War.[3] Over 658 militia acts were passed by the Colonies, all of which asserted "the duty of all citizens to give military service at the demand of the authorities..."[4] As early as 1792 the U.S. Congress provided for the "enrollment of every free, able-bodied white male citizen...in the militia of the several states."[5] The draft was turned to as a matter of course in the Civil War. In 1918, the Supreme Court found conscription to be constitutional. In World War II, there was little effective, principled opposition to the draft. While one case has recently tried to challenge the constitutionality of the draft[6] (in which the attacking argument is fundamentally different from that presented in the 1918 cases), this case has drawn virtually no public attention.

And that should not be a surprise. If ever there was a consensus, there is one on the basic assumption that it is a proper power of the government to draft. Against such an entrenched position -- rooted in tradition and precedent (however blindly held and unthinkingly adhered to) -- we would be wise to marshall more arguments.

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To the arguments that the draft morally violates rights and politically endangers freedom, let us now add that economically it is stupid and dangerous.

There are economic assumptions implicit in the idea of forced conscription. These should be examined; forced conscription contradicts the nature of a free economy.

By and large, the United States possesses a free market economy, at least in spirit. This is true despite the ever-growing burdens and limitations imposed by government edict and regulation, particularly on the manufacturer. But as far as the worker-consumers are concerned, they may buy and sell (barring periods of "national emergency") pretty much as suits their interests. They therefore have little moment-to-moment awareness that any areas of choice are being arbitrarily limited by the incursion of government force.

This is especially the case in the area of the economy that most concerns my present specific attack on the draft — the area of labor. A man may work for whom he pleases, at the best wage he can find. The government does not step in and assign him his work, limit his freedom of movement, and directly determine his wages and his eligibility for promotion. The fact that unions are sometimes able to frustrate his economic interests due to government force is not obvious to the average worker.

For the purposes of this argument, therefore, it is fair to say that the American can sell his labor where and when he pleases. When I say labor, I mean the effort of any and all sorts exerted by individuals to create goods or provide services. This includes not just the sheer use of muscle, but also the effort of the manager, the innovator, the entrepreneur. Labor is any effort (mental or physical) to achieve a goal. In the economic context, it is any effort to produce an economic value, i.e., a value that can be offered for exchange on the marketplace.

But the freedom that Americans have, to offer or to refuse this effort as they will, does not universally apply. There is one exception, one institution in our social system which does not trade for labor. That is the institution of defense. It is interesting to note in passing that when we wish to protect our citizens against criminals by a police force, we expect the government to hire the labor to do so. But when we wish to protect our borders and our citizens from foreign violators of rights — we draft. In <u>this</u> area a man labors at the government's pleasure, for pay set by the government, undergoing risks forced upon him by the government. Whatever else the draft is, it isn't an exchange entered into voluntarily.

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So we have two fundamentally opposed approaches to labor built into the operations of our social system. These two approaches are so profoundly antithetical that they can not long coexist in the same social system -- one or the other must ultimately dominate.

The two approaches can be called labor as property, and labor as a natural resource. Only the first of these is compatible with a free market, that is, with capitalism.

Socialists have long promoted a division between "human rights" on the one hand and "property rights" on the other. The published record of the June, 1966 Hearings of the House Armed Services Committee contains a letter written by former Socialist Partycandidate for President, Norman Thomas.[7]

"The draft contributes largely to making possible our present very dangerous form of power politics outside effective control of the people," wrote Mr. Thomas, making it clear that he opposes "any military draft." He goes on to say that a military draft "is the supreme denial of civil liberties. It is an assertion of the power of the state over the conscience and life of the individual such as no state should possess." But then he continues, "As a socialist, I believe that the democratic state, as a servant of society, must have great power over property, but not over the lives and conscience of men."

The point which Mr. Thomas unfortunately misses is that power over property is power over the lives (if not the conscience) of men. So I wish to emphasize that it is precisely because I support property rights that I am opposed to the draft. It was John Locke who formulated the idea that the first and most important property right which a man had was the right to his own body. From this it follows that a man has what can be termed a property right to the exertions of his body, i.e., his labor. From this can be derived the entire capitalistic opposition to forced labor in any form.

One indispensible attribute of property is that its owner has free use and disposal of it. The operative term here is "free," the condition of being able to act in some respect; in this case, possessing the condition of being able to use your exertions as you will, disposing of them as you will, in the creation of goods and services. In doing this, there is an implied context, namely you, as having a particular nature which makes this exertion more than random, willess motion; makes it essentially different from the flow of a river or the heat of sunlight. This context is that you are a man, a being who reasons -- a being who chooses goals.

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It is reason that gives to exertion the purpose that leads to the creating of a good or service. Any use of labor presupposes that the person laboring is exercising at least sufficient reason to direct his effort toward reaching such a goal.

Even the slave owner must implicitly know this -- or else all he has is incommunicative, uncreative protoplasm on his hands. It is only a being who reasons who can be told to hoe a row of cotton or push an oar in a galley.

A man's labor -- in a free market economy -- is just as much his as any other possession -- his home, his savings, his tools, his factories, his inventions, his works of art. As an economic value it is a service, rather than a good. That is, it is an action offered for performance in return for an economic value. In a free market -- a market that is without government interference in the processes of production and distribution and exchange -- individual men will sell this service as dearly as possible. And the men who purchase this service -- the effort through time toward some purpose that is labor -- these men will seek to get the greatest economic value for the least use of the service.

In other words, it is with labor as it is with any other service -- waste is avoided, efficiency and efficacy always sought for.

It should be noted that labor has something unique about it that other forms of property do not have -- it is absolutely attached to, a part of, indissoluble from the person owning and offering it. It is said that one cannot invest one's labor in one place and at the same time be somewhere else, doing something else. In this sense, labor is unique. On the other hand, this uniqueness is only applicable to any particular time. Effort that has been exerted to bring goods into being is, so to speak, transformed into labor stored. A house is the product of past labor, as are inventories or savings accounts.

Labor is being viewed in this article as being inseparable from the person offering it as a marketable service. When this happens in our modern free industrial society and labor is hired, there are several necessary corollaries. These have become part of the capitalist free market system; that is, the system that uses labor as property, uses it as an object of trade.

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When a man offers his time and effort, he wants the most that he can get in return. Going rates of pay reflect at one and the same time the degree of the worker's bility (his rate of productivity), the supply of other labor for the job, and such ancillary factors as the dangers of the work, unusual discomfort, inaccessible location, or long hours.

As the person who is selling his services becomes more experienced, more able to produce, readier to take on wider responsibility, either his pay increases or, being free, he takes his service to some other employer.

In general, a man is best at the creation of goods when he specializes in some aspect of the production process, leaving to other men such specialities as are needed to complete some given good or perform some service.

Productivity is best increased by the improvement of methods of production. From this follows the fact that the most valuable labor is that of the mind, designing and improving products and production methods. And of this kind of labor, the most valuable is that which goes into choosing what all other labor shall be used for -- that is, the labor which fulfills what is known as the entrepreneurial function.

When labor is recognized as the laborer's property, any man is free to leave any employer at any time (contractual commitments freely entered into being the only limitation). This, each man has his own self-interest to serve as his standard and his prime motivation. This also results in a labor market where the law of supply and demand ultimately determines the price of the service of labor in all its degrees which differentiates the worth of one man's labor from another economically.

It should be noted that the goods created by the use of labor as property are offered on the same marketplace as labor itself. The same agency that determines the price of labor determines the price of other goods and services. The prime condition of all these transactions is that of individual consent -- each man freely decides what he shall sell and buy in relation to the price set by other men making the same free, individual decisions.

These corollaries set the context in which modern personnel management operates. The elaborate system of graduated pay scales, standards for promotion,

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special education for special productive functions, ever-recurring studies of work methods aiming at greater productivity per man-hour, tests and interviews designed to fit the man to the job, judicious salary increases to keep the experienced and better workers -- all of these are based on one, simple, capitalistic, free-market principle. A man's labor is his property, is that which he may freely use and dispose of.

To put it even more briefly -- a man is free. This is simultaneously the political and the economic base of such a social system as ours -- at least, to the degree that it is capitalistic.

It is the saddest fact of the twentieth century that our system is free only to a degree, and that the measure of this freedom lessens each year. So it must be with any society which -- whatever euphonious terms it uses -- countenances slavery. Make no mistake about it; in essence, forced conscription is slavery -- the seizure of the person of someone and the placing of that person and his services under the control of another as owner or master.[8] It is involuntary servitude. The statement of the Supreme Court that it is not,[9] does not change the fact.

Economically, such servitude arises from a view of man's labor as someone else's natural resource. A natural resource in the economic context is any aspect of reality on which effort is exerted to produce goods and services and on which no such previous effort has been exerted. A natural resource is a means to a certain kind of end; namely, goods and services which are offered on the market in the expectation that they will satisfy human needs and desires. One note of clarification here -- when one offers and sells a service, one isn't selling merely an action. What is sold is the result of the action, the change in some aspect of reality which the action has effected and which is a value to the buyer. In this sense, all goods are the result of services rendered, and no service can be rendered that does not change or create a good.

It is a confusion about the relationship between action and the service that it effects which lies at the heart of the fallacy underlying the view of labor as a natural resource. The slave-owner mentality does not admit the distinction between action and actor. In wanting the service, he demands ownership of the actor. In doing this, he violates the rights of the actor, and so fails to gain the full measure of services -- as the state of degradation, poverty, stagnation, and dispiritedness of any slave economy amply attests. I need only cite the prevailing terror in Rome's galleys, the near-permanent famine of feudal Europe, the miasmic air of shame hovering over the slave huts, slave hunts and slave punishments of the ante-bellum South, the perpetual poverty of the Soviet Union, the high scream of unending terror and unending deprivation which is Red China.

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A resource is,in the nature of things, not asked if it wants to be a resource, nor which goods and services it shall become part of. A natural resource is the means to an end -- a human end. No man can be completely used as a natural resource -- not in any civilized context. The closest to this in the primitive context is cannibalism; in the modern context, the Nazi concentration-camp sadists who used human skin for lamp shades and other objects of decoration.

This means that the approach to man's labor as being a natural resource can be only partial. It must assume (but never admit) the nature of the being who labors -- that he is a man, and therefore he reasons, and the only thing that gives his labor value even on the most primitive, physical, muscular level is this ability to reason. This means the ability to direct the flow of his actions toward the creation of a good. Without this, no slave would be worth his purchase price, nor would an inductee be worth the cost of training and equiping him.

To view labor as a natural resource is to ask man to act as if he is free while holding him in bondage.

What are the economic corollaries that obtain when this is the prevalent view of labor?

Quite obviously, the person who labors does not do so on the basis of an agreement freely entered into. That is, the arrangement is outside the consent process. This means that violence or threat of violence is absolutely necessary to put the view of labor as a natural resource into effect and to maintain it. It requires a garrison society, a society preoccupied by and dominated by repressive institutions -- as was the old South, and as is the Soviet Union and Red China.

Any values created by such labor are completely the property of the slave owner -- be he an individual, as in the old South; or a collective, as in the Soviet Union. At no time is payment for services due as a right. Of course, natural-resource laborers must be fed, clothed and housed, but not because they have earned these things.

Life is a secondary value, and can be used up as casually as coal or oil or limestone, as witness the slave labor camps of the Soviet Union, the slave ships of the Eighteenth Century, the death rate in the slave quarters of the

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old South. When effort is made to preserve life, it is not because life is an end in itself, but merely because it is a means to someone else's end.

Politically, any social system in which this is a prevailing view must be a tyranny. It is built into the system, required by the nature of using labor as a natural resource. To be a natural resource means to be used as a consumable thing, as part of a good or service. This view requires someone else to use and benefit from said good or service. The slave is used by and consumed by his master; the Soviet citizen ultimately is the resource of the hierarchy of the Communist Party; the inductee -- who consumes him?

You and I, through our government. We can refuse title, we can refuse to grant our sanction. This honor requires; this, and unending effort to see this institution abolished.

Above all, any such system based on any such use of labor must have one central, all-encompassing motor -- fear. Labor is not created positively, to achieve the greatest good for the individual that the individual in his private freedom can gain. Labor has one motivation — to gain no values except that of escaping punishment. For the slave in the old South it was escaping chains and lash; for the citizen of the modern dictatorship it is escaping the torture chamber and the concentration camp; for the inductee, it is escaping prison and dishonor.

When a man's labor is treated as a natural resource, he is not asked what he will do; he is told what he must do and is forced to do it. A man's life is not his, nor are the values he creates. A man's liberty is not recognized, nor is he objectively evaluated in relation to the quality of his labor. A man's prime motivation to work is fear, to avoid all effort except that which is necessary to escape hostile notice from his masters.

The economic consequences of this are disastrous. When a man is motivated by fear, he produces only as much as will minimally get him by without punishment. When he can not keep that which he produces, or when the amount he gets is not related to the quality of his labor, he has no motive for gaining new skills or for making his labor more productive. Characteristically, any given task takes many more man-hours than the same task if performed in an economic context where a man's labor is treated as his property.

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To the degree that a society actually treats labor as a natural resource, i.e., denies reward in relation to production and denies the exercise of free choice, that society is a slave society.

These are the two poles of viewing the nature of labor -- every society must answer one way or the other. Is labor property, or is it a natural resource? Today, we in the United States are more and more answering the question by affirming the group's "right" to other men as ends, whether that end is called "the glory of national service," or "the disciplinary action of engaging oneself in the service of ones fellow man," or "the obligation of every young man to serve his country," or "the need for mandatory service to better both society and the individual." It all comes down to a view of the labor of men as being a natural resource which other men may use without recompense or consent.

At present, the main agency in our society for putting this point of view into a practical reality is the draft. If it is not checked and abolished, it will enslave us all. If you think this statement an exaggeration, recall the news and magazine articles of recent months advocating mandatory, universal national service. The Secretary of Defense, Robert S. McNamara, recently called for what sounded like such a system when he said that the way the inequities of the Selective Service System could be remedied was "by asking every young person in the United States to give two years of service to his country."[10] A few days later he explained that by "asking" he did not mean forced service, only voluntary service.

Ex-President Eisenhower made no such qualification. He wants every male to serve. "Under the system that I envision, every young male American, no matter what his status in life or his plans for the future, would spend 49 weeks -- one year minus three weeks' vacation -- in military training."

Senator Jacob K. Javits has presented an even broader proposal and on an official level. He introduced a Senate resolution asking the President to recommend that Congress frame legislation to "require universal national service for all males before age thirty-five in either a military or non-military function of the national enterprise."[12]

These references could be multiplied many times over. Why this drift toward institutionalizing the seizure of persons to make them provide services under the control of the government? The full range of reasons is broadly cultural. This article will restrict itself at this point to the economic reasons.

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Economically, the call for the extension of the draft to encompass more citizens and more services springs from two beliefs -- that the draft has worked, and that in some manner the services that draftees perform can be or should be outside the economy.

Both of these beliefs are wrong. First, the position that the draft is a success. Again and again in the June, 1966 Hearings of the House Armed Services Committee,[13] remarks were made which either explicitly cited or implicitly assumed that the draft had been a success in World War I, that it was what made victory possible in World War II. This belief is virtually an article of faith, even among many who were in the service. And yet the plain refutation was there all the time -- in the facts themselves.

The draft "worked" because the men whom we drafted freely chose to make it work. It worked despite itself. It was volition, not force, that made the United States victorious in these two wars; it is volition that animates the armed forces today. The fact is that by and large, the men who went in during World War II shared the goals of their government -- there was a genuine desire to defeat Germany and Japan, a genuine sense of moral justification for being in the War. So the men who went in "turned on," so to speak -- they set out to be good at what they were doing. Force (fear of court martial, fear of punishment) did not do this. No matter what the leaders of the nation might think, the men who went onto Omaha Beach were free men, doing a good job because they chose to do it. Nor was it fear of authority that kept the men at battle stations day and night on board ships of the main Pacific fleet, as the cities of Japan burned across the horizon, and Kamikazis hit, again and again.

I suspect that, if the facts were known, the draft impeded the war effort by delivering too many men too fast for assimilation; by delivering men who were not motivated and who therefore got in the way of those who were. Confusion, waste, and sheer idiocy resulted. But nevertheless, to the degree that the U.S. Armed Forces were effective, it was because the men chose to be effective. If they had really been fear-ridden zombies, if they had really accepted the status of slaves (which the very fact of the draft implied that they were), there would have been no victory.

What could have and should have been done? In a future article, I will explore just how a volunteer armed force would be set up, but the answer to that question can be lightly sketched in here. For one thing, the pay of the combat soldiers and sailors should have been increased enormously Secondly, civilian activities should have been handled by civilians, through competitive business firms. This would have included much of the feeding, housing, and warehousing

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activities of the armed forces; much of the transportation, communication, and record-keeping. Such a policy would have meant far fewer men doing a far better job.

Actually, it is unlikely that such a course could have been followed, even if the draft had been declared unconstitutional. In some respects military theory has yet to leave the Middle Ages behind. Many of the military leaders today equate military strength with numbers, with the sheer weight of flesh. They can't fully comprehend that each man is more than the sum total of his muscular strength, that he has a mind, and that a few men with free, well-trained minds who believe that what they are doing is right can stand off a horde of brutes whose minds have been turned off.

France was a conscript nation, with millions of men in her armed forces. Yet she crumbled before a relatively small German army in 1940. Finland stood off the fury of the whole Soviet Union for months, and in the end managed to retain her independence.

The Roman legions were never a match in number for the barbarian hordes that surrounded the Empire. It was training and motivation that protected that Empire, by a relative few against the brutish many. When the motivation collapsed, so did the Empire.

A handful of trained and supremely motivated men stood off the entire Luftwaffe in the air battle early in World War II which led to the Germans abandoning an invasion attempt: the famous Battle of Britain.

Alexander went all the way to India, again and again defeating foes that far outnumbered his force of trained and motivated men.

One would think that by this time the military would have formulated a general rule -- better a small, superbly trained, and motivated army, than a horde of semi-trained, willess conscripts. Some military men have come to this conclusion. But they are not the men running things at the Pentagon today. They didn't run things in the last big war.

The preference of mass over mind will continue until the principle of capitalism and the free market is fully and thoroughly applied to military science particularly to the military policies of manpower procurement, use, and training.[14] There never has been a truly "capitalist" army, just as there never has been a totally capitalist economic or political system -- and for the same reasons.

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If you want to get an immediate sense of what really made the draft work, imagine the following. You own a grocery store. You need help. You take your gun and go out on the street and you make two young men come back to your store and you tell them to go to work, or you'll shoot them. How much work do you think you and your gun will really get out of them? What will the quality of that work be? How long do you think that you'd stay in business?

And if these two young men happen to take a liking to you, happen to like the work, happen to think that keeping the grocery store going is worth doing and so proceed to do a great job. Do you think it would be your gun that did it?

In a curious fog-bound way even the framers of the draft law know what really is going on. The law itself empowers the President "to order to active duty" members of the National Guard and of the armed forces to man the various headquarters of the Selective Service System, but only "with their consent."[15] These are the men who will oversee the induction of men without their consent. The wording may have been inadvertent, but by implication it recognizes that if you want something to succeed, you get men to do it voluntarily. How well would things go if General Hershey really was forced to do his job at the point of a gun? In your answer to that question you implicitly recognize that it isn't the draft that succeeded in winning wars, it was the men themselves, despite it.

Now to the second article of faith -- that somehow the armed forces do not perform an economic service, that they do not produce a good or service, that they produce something not economic, not subject to monetary evaluation, not basically purchasable.

This is not so. What the armed forces provide is just as much an economic value of its kind as that provided by General Motors or the corner grocer or any other person or corporation which produces a good or service.

It is true that one cannot go out and purchase an army in quite the way that one can purchase a motor car. But yet it is purchased. The question is, by whom and what for?

What does an armed force provide in a free economy? Protection. It is there to prevent invasions from outside or insurrections from within, which would by force prevent the free production, distribution, and exchange of goods. This is a very valuable service indeed. This, plus the police function, might be viewed as essential prerequisites to a free market -- as that without which such a market could not endure.

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Who purchases this service? You do. You do it through representatives. They in turn disburse the money and appoint and watch the administrators for this force. The federal Constitution recognized this fact when it placed the command of the armed forces in the hands of the President, a civilian; and the control over the money with Congress, also civilian. Ultimately, you decide, you renew your decision every time you vote in a national election.

The police, the courts, the other government departments do not have to resort to the draft to get their personnel. They must and do go into the free American labor market. There is no reason in principle why the armed forces could not do so also.

Morally, they must do so if the republic is to survive. It will die; the whole American system will die once the view that a man's labor is someone else's natural resource prevails.

Would you grant the right to any man to come into your home at any time, and to force you with a gun to work for him at whatever task he chose?

No? Then why should this right be granted to the individuals who make up the government?

As the President of Queens College, Joseph P. McMurray, said at the College's Commencement exercises on June 2, 1966, "If we believe in our system of government and if we subscribe to the economic theories of Capitalism, then let us practice them and end conscription."

— David J. Dawson

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NOTES

1. See my "Posse Comitatus," Persuasion, April, 1966.
2. See my "Posse Praesedentis," Persuasion, May, 1966.
3. Selective Draft Law Cases 245 U.S. 366 (1918), the opinion of the court as delivered by Mr. Chief Justice White.
4. A memorandum titled "Military Manpower and the Draft" prepared for a special study group of Members of the Congress organized in 1966 by Thomas B. Curtis of Missouri. It appears in the Congressional Record of April 21, 1964, pp. 8573-8587. It is quoted at length in the Hearings before the House Committee on Armed Services, June 22 thru 30, 1966, pp. 9793-9824. This reference is from

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the Hearings, p. 9803.
5. Selective Draft Law Cases, op. cit.
6. See Lawrence A. Scott, "A Case Against Conscription," Persuasion, August 1966.
7. Review of the Administration and Operation of the Selective Service System -- Hearings before the Committee on Armed Services, House of Representatives, 89th Congress, Second Session, June 22, 23, 24, 28, 29, 30, 1966.
8. Paraphrased from Webster's New International Dictionary, Second Edition, Springfield, 1937.
9. Selective Draft Law Cases, op. cit.
10. N.Y. Times, 19 May 1966, p. 11. An address given May 18 in Montreal, Que. before the American Society of Newspaper Editors.
11. Dwight D. Eisenhower, "This Country needs Universal Military Training," Reader's Digest, September, 1966
12. Senate Joint Resolution 166, 89th Congress, 2nd Session. Quoted in its entirety on pages 9908 - 9909 of the Hearings, op. cit.
13. Hearings, op. cit.
14. Ibid. See the remarks of representative Thomas B. Curtis, (Missouri) pp. 9784 through 9830. Congressman Curtis strongly advocates a volunteer armed force, turning over to civilian institutions much of the training now done inefficiently and repetitiously by the armed forces, changing physical requirements to fit the job, etc.
15. Ibid. p. 10122.

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